

VZCZCXRO4378
OO RUEHCHI RUEHCN RUEHDT RUEHHM
DE RUEHJA #0802/01 1130912
ZNY CCCCC ZZH
O 220912Z APR 08
FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8776
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
RUEHBY/AMEMBASSY CANBERRA PRIORITY 2376
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUEHKA/AMEMBASSY DHAKA 0921
RUEHNE/AMEMBASSY NEW DELHI 1781
RUEHKO/AMEMBASSY TOKYO 1861
RUEHWL/AMEMBASSY WELLINGTON 2570
RUEHHK/AMCONSUL HONG KONG 2620
RUEHBAD/AMCONSUL PERTH 0732
RHHJJPI/USPACOM HONOLULU HI
RHMCSUU/FBI WASHINGTON DC
RHEHNSC/NSC WASHDC
RUEAIIA/CIA WASHDC
RUEKJCS/SECDEF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 000802

SIPDIS

SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, S/CT, INL FOR BOULDIN/BUHLER
DOJ FOR CRIM AAG SWARTZ, DOJ/OPDAT FOR
LEHMANN/ALEXANDRE/BERMAN
DOJ/CTS FOR MULLANEY, ST HILAIRE
FBI FOR ETTUI/SSA ROTH
NCTC WASHDC
NSC FOR E.PHU

E.O. 12958: DECL: 04/22/2018

TAGS: [PGOV](#) [KJUS](#) [PTER](#) [ID](#)

SUBJECT: COURT DECLARES JI "BANNED", SENTENCES LEADERS TO
15 YEARS

REF: A. JAKARTA 645 AND PREVIOUS

[1](#)B. JAKARTA 545

[1](#)C. 07 JAKARTA 2916

[1](#)D. 05 JAKARTA 5408

Classified By: Deputy POL/C Stanley Harsha, for reasons 1.4(b) and (d).

[1](#)1. (C) SUMMARY: A Jakarta court sentenced senior Jemaah Islamiyah leaders Abu Dujana and Zarkasih to 15 years in prison and declared the terrorist organization "banned". It is not clear that the court's statement on JI will have any immediate ramifications for law enforcement, but some officials hope it will spur the GOI to impose a formal ban on the group. The sentences were lower than what prosecutors had requested but in line with Indonesian practice. The verdicts underscore the continued success of the GOI's CT effort. END SUMMARY.

MORE CT CONVICTIONS

[1](#)2. (SBU) Two senior Jemaah Islamiyah (JI) leaders were convicted of terrorism in the South Jakarta District Court. JI military-wing chief Ainul Bahri aka "Abu Dujana" and former acting JI Emir Zuhroni aka "Zarkasih" aka "Muhammad Naim" were both sentenced to 15 years in prison for violating the 2003 Anti-terror law. Specifically, they were found guilty of possession of weapons for terrorist purposes (art. 9 of the law), aiding and abetting a known terrorist (art. 13 - a reference to their relationship with terrorist fugitive Noordin M. Top), and holding a position in a "terrorist corporation" (art. 17).

[1](#)3. (U) Sentences are also expected later this week for several lower-ranking JI operatives: Taufik Masduki, Aris Widodo, Arif Syarifuddin, Nur Afifudin and Aziz Mustafa. These five were arrested along with Dujana and Zarkasih in a series of raids in Central and East Java in June 2007.

¶4. (C) The 15-year sentences were less than the life sentences requested by prosecutors (ref A) but not inconsistent with Indonesian practice. Narendra Jatna, a member of the AGO's Task Force on Terrorism and Transnational Crime and a lead prosecutor on the cases, said he was disappointed with the sentences and might push for the AGO to appeal. GOI CT Coordinating Desk Chief Ansyaad Mbai, however, told poloff that the lighter sentence reflected the defendants' cooperation with the police. Under the new remission rules put in place in 2007, the two men will not be eligible for sentence remissions for five years, and will have to serve at least two thirds of their sentences before being considered for conditional release (ref C).

JI "BANNED"?

¶5. (SBU) In addition to handing down sentences, judges in the two cases deemed JI a "terrorist corporation" and declared the group banned. Judges also ordered both men to pay fines of IR 10 million (about USD \$1000) on behalf of JI. The statements constitute the first direct reference to JI in a court decision since 2004. The defendants have acknowledged belonging to organizations with various names, but have vigorously denied any connection with JI.

A WELL-COORDINATED EFFORT

¶6. (C) According to Mbai, the judges' statements on JI are a critical element in the decisions, as they provide a legal basis for the GOI to issue a formal ban on the group. Mbai described how he had worked extensively behind the scenes to

JAKARTA 00000802 002 OF 002

achieve this outcome, convincing the AG and the Supreme Court to bring the cases to Jakarta. He also pushed for experienced prosecutors like Jatna--who understood the relationship between the JI cells in Central Java and JI-sponsored attacks in Poso, Central Sulawesi--to be assigned to the cases.

¶7. (C) Mbai also praised the work of members of the Indonesian police's Detachment 88 (SD-88) anti-terror unit. According to Mbai, SD-88 officers won the cooperation of Dujana and Zarkasih after their arrests by treating them humanely and providing assistance to their families. (Note: this is part of an evolving police approach towards deradicalization of terrorists - ref B.) Mbai claimed that Zarkasih was particularly grateful when SD-88 arranged to pay school fees for his children. According to Jatna, winning the trust of the two men enabled the police to influence their choice of defense counsel. As a result, the two rejected the legal counsel of Muslim Defense Team (TPM) firebrand Mahendradatta in favor of Aminudin, a TPM member from Sulawesi with a more cooperative relationship with the police.

BAN FAR FROM A REALITY

¶8. (C) The convictions of Dujana and Zarkasih demonstrate the continued strength of Indonesia's CT efforts and, in particular, the quiet effectiveness of Mbai. Mbai's optimism notwithstanding, however, a formal ban on JI faces many of the same legal and political obstacles that were in play when he first pressed for it in 2005 (ref D). While media reaction to the rulings has been mostly positive, no groups are publicly pushing for a ban. Some commentators continue to repeat worn-out assertions--all evidence to the contrary--that CT trials are merely a show for the West.
HUME